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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE MANNING

MAGISTRATE JUDGE COX

UNITED STATES OF AMERICA

v.

XAVIER HERRERA,
JUAN GUTIERREZ, and
FREDRICK FARMER

) No. 08 CR 526
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Violations: Title 21, United States
Code, Section 846; Title 18,
United States Code, Sections
924(c)(1)(A) and 2.

FILED

J.N

JUL 31 2008
JUL 31, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COUNT ONE

The SPECIAL JUNE 2007 GRAND JURY charges:

Beginning on or about March 13, 2008, and continuing through on or about July 3, 2008, at
Summit, in the Northern District of Illinois, Eastern Division, and elsewhere,

XAVIER HERRERA,
JUAN GUTIERREZ, and
FREDRICK FARMER,

defendants herein, conspired with each other and with others known and unknown to the grand jury
knowingly and intentionally to possess with intent to distribute and to distribute a controlled
substance, namely, 500 grams or more of mixtures containing cocaine, a Schedule II Narcotic Drug
Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

All in violation of Title 21, United States Code, Section 846, and Title 18, United States
Code, Section 2.

COUNT TWO

The SPECIAL JUNE 2007 GRAND JURY further charges:

On or about July 3, 2008, at Summit, in the Northern District of Illinois, Eastern Division,
and elsewhere,

XAVIER HERRERA,
JUAN GUTIERREZ, and
FREDRICK FARMER,

defendants herein, did attempt knowingly and intentionally to possess with the intent to distribute
a controlled substance, namely, in excess of 500 grams of mixtures containing cocaine, a Schedule
II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section
841(a)(1);

All in violation of Title 21, United States Code, Section 846, and Title 18, United States
Code, Section 2.

COUNT THREE

The SPECIAL JUNE 2007 GRAND JURY further charges:

On or about July 3, 2008, at Summit, in the Northern District of Illinois, Eastern Division, and elsewhere,

XAVIER HERRERA,

defendant herein, knowingly possessed a firearm, namely a Colt Defender Series 90 .45 caliber handgun bearing serial number DR16808, and an ARMI Jager .357 caliber Magnum revolver bearing serial number 42799, in furtherance of, and used and carried that firearm during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely attempt to possess with the intent to distribute mixtures containing cocaine, in violation of Title 21, United States Code, Section 846, as more fully set forth in Count Two of this indictment;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION

THE SPECIAL JUNE 2007 GRAND JURY further charges:

1. The allegations contained in Counts One through Three of this Superseding Indictment are realleged and incorporated by reference as if fully restated here for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c).

2. As a result of their violations of Title 21, United States Code, Section 846,

XAVIER HERRERA,
JUAN GUTIERREZ, and
FREDRICK FARMER,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c), any and all right, title, and interest defendant has in any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforesaid violations.

3. The interests of the defendant subject to forfeiture pursuant to Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c) include, but are not limited to:

- (a) approximately \$73,498 in United States currency;
- (b) a silver with black handgrips Colt Defender Series 90 Lightweight .45 caliber semi-automatic handgun bearing serial number DR16808; and
- (c) a black with pearl handgrips ARMI Jager .357 caliber Magnum revolver bearing serial number 42799.

4. To the extent that the property described above as being subject to forfeiture pursuant to Title 21, United States Code, Section 853 and Title 28, United States Code, Section 2461(c), as

a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value, or
- (e) has been commingled with other property that cannot be subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY